



MEETING MINUTES

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Regular Meetings: The First,
Second, and Third Tuesday
of each month

Regular Meeting

County Courthouse,
Bridgeport, CA 93517

February 17, 2009

9:05 AM Meeting Called to Order by Chairman Reid
Pledge of Allegiance led by Supervisor Hazard

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD *No one spoke.*

BOARD MEMBER REPORTS *Reports were deferred.*

COUNTY ADMINISTRATIVE OFFICE

- 1) CAO Report regarding Board Assignments (David Wilbrecht)
Receive brief oral report by County Administrative Officer (CAO) regarding his activities.
Report was deferred.

- 2) APPROVAL OF MINUTES

M09-28 Approve minutes of regular meeting held February 3, 2009.
Hazard/Farnetti, 5-0

Closed Session: 9:10 a.m.
Break: 9:55 a.m.
Reconvened: 10:02 a.m.
Break: 11:10 a.m.
Reconvened: 11:17 a.m.
Lunch: 12:35 p.m.
Reconvened: 1:20 p.m.
Break: 3:10 p.m.

*Reconvened: 3:20 p.m.
Adjourned: 5:14 p.m.*

CLOSED SESSION

COUNTY COUNSEL

- 3a) Closed Session (**Dave Wilbrecht, Marshall Rudolph, Mark Magit, Rita Sherman, Bob Garret, Kelly Garcia**) - PUBLIC EMPLOYMENT. Government Code section 54957. Title: Project Manager.
- 3b) Closed Session--Initiation of Litigation - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to subdivision (c) of Government Code section 54956.9. Number of potential cases: one.

HUMAN RESOURCES

- 4a) Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): David Wilbrecht, Marshall Rudolph, Brian Muir, Rick Scholl, & Robert Garret. Employee Organization(s): Mono County Deputy Sheriffs' Association.
- 4b) Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): David Wilbrecht, Marshall Rudolph, Brian Muir, Rick Scholl, & Robert Garret. Employee Organization(s): Mono County Public Safety Officers' Association.
- 4c) Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): David Wilbrecht, Marshall Rudolph, Brian Muir, Mark Mikulich, & Robert Garret. Employee Organization(s): Mono County Paramedic Rescue Association.

The Board had nothing to report from closed session.

DEPARTMENT REPORTS/EMERGING ISSUES

No department heads reported.

CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

PUBLIC WORKS

- 5a) Contract for County Surveyor Functions - Provide any desired direction to staff.
- M09-29 Action:** Authorize the Public Works Director (in consultation with County

Counsel) to execute and administer a two-year professional services agreement with Tri State Surveying of Sparks, Nevada, to perform County Surveyor functions in an amount not to exceed \$70,000. This authorization shall include making minor amendments to said agreement from time to time as the Public Works Director may deem necessary, provided such amendments do not substantially alter the scope of work or budget and are approved as to form and legality by County Counsel.

Farnetti/Hunt, 5-0

COMMUNITY DEVELOPMENT - PLANNING DIVISION

- 6a) Reappointment of June Lake CAC Members - Reappointment of four existing June Lake CAC members.

M09-30 Action: Reappoint four existing members to the June Lake Citizens Advisory Committee as recommended by Supervisor Bauer.

Farnetti/Hunt, 5-0

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

CLERK-RECORDER

- 7a) California Highway Patrol Hazardous Waste Incident Report

The Board acknowledged receipt of correspondence.

AMBULANCE PARAMEDICS

- 8a) BOS Resolution for David Rowley (retirement) (**Chief Mikulicich will accept resolution on behalf of David Rowley**) - Consider and potentially adopt proposed resolution acknowledging County service and retirement for David Rowley. Receive staff report. Provide any desired direction to staff.

M09-31 Action: Adopt resolution.

Farnetti/Bauer, 5-0

Supervisor Hazard read the resolution; the Board acknowledged Mr. Rowley's years of service. Chief Mark Mikulicich accepted the resolution on Mr. Rowley's behalf, and said Rowley never lost his excitement for the job. He will be missed.

COUNTY ADMINISTRATIVE OFFICE

Additional Departments: County Counsel

- 9a) Employment Agreement (**Bob Garret**) - Proposed resolution approving an employment agreement with Marshall Rudolph and prescribing the compensation, appointment, and conditions of said employment. (Note: Mr. Rudolph is currently employed as the county counsel, and the proposed agreement would simply continue such employment at his current salary.) Receive staff report.

- R09-06** **Action:** Adopt **Resolution R09-06** approving an employment agreement with Marshall Rudolph and prescribing the compensation, appointment, and conditions of said employment.
Hazard/Hunt, 5-0

Bob Garret: This is the renewal of a four-year contract with Marshall Rudolph; he is an excellent county counsel. Garret recommended renewal.

COUNTY COUNSEL

Additional Departments: Building, Planning, Environmental Health

- 10a) Fee Exemption Resolution (**Marshall Rudolph and Rick McManis**) - Consider proposed resolution exempting certain local government agencies from the payment of fees for County building and development permits. Receive staff report.

- M09-32** **Action:** Agendize on the March 3rd consent agenda consideration of fee waivers for current projects of two fire districts.
Bauer/Farnetti, 5-0

Marshall Rudolph: At their February 3rd meeting, the Board discussed fee waivers for special districts. Rudolph drafted a broad resolution to include governmental entities that are within the definition of a special district; however, if the Board's intent was to narrowly focus on fire districts, Rudolph will redraft the resolution. The fee waivers (including building and planning fees) would include a variety of permits, unless there is a source of funding to pay the fees, such as a grant.

Supervisor Hazard: Prefers to specify waivers for fire districts because they have limited funding. Supervisor Reid agreed.

Supervisor Farnetti: Supports fee waivers for fire districts, but the Board of Supervisors should retain the authority to waive the fees on a case-by-case basis rather than delegating waiver authority to department heads. Supervisors Hunt and Bauer agreed. Supervisor Reid said he was comfortable delegating waiver authority to department heads. Supervisor Hazard suggested establishing a threshold below which department heads could waive fees. He also suggested that requests coming to the Board should specify the total amount of fees to be waived.

Rick McManis: Antelope Valley Fire District and Paradise Fire District are currently undergoing remodel projects. The permit fees would total about \$2,700 for Antelope Valley; Paradise is slightly more.

Rather than asking staff to redraft the resolution, the Board decided to review waivers on a case-by-case basis.

- 10b) Federal Judgeships (**Marshall Rudolph**) - Consider proposed resolution urging the United States Congress to appoint more federal judgeships to the Eastern District of California. Receive staff report.

R09-07 **Action:** Adopt **Resolution R09-07** urging the United States Congress to appoint more federal judgeships to the Eastern District of California, and specifying the desire for a judicial presence in the Eastern Sierra.
Bauer/Hazard, 5-0

Marshall Rudolph: Brought this matter to the Board's attention at the last meeting. The Tulare County Counsel is asking all counties within the eastern federal district to consider adopting the proposed resolution because there are fewer judgeships in this district than there should be. This issue does not greatly impact Mono County although cases would be processed more quickly if there were more judges qualified in California law.

The Board asked Rudolph to add a statement in the resolution specifying the desire for a judicial presence in the Eastern Sierra.

Additional Departments: Public Works, Community Development, Economic Development

- 10c) Community Center Policies and Administration (**Stacey Simon**) - Public hearing regarding proposed increase in the fees charged for use of the Crowley Lake Community Center. Consider and potentially adopt proposed resolution superseding and replacing resolution number 91-09 and setting forth policies and establishing fees for the use of County community centers. Provide any desired direction to staff, including but not limited to, direction regarding proposed new agreements governing use of the Crowley Lake community center and other County community centers, respectively.

R09-08 **Action:** Adopt **Resolution R09-08** superseding and replacing resolution number 91-09 and setting forth policies and establishing fees for the use of County community centers; specify that state and federal agencies are exempt from paying fees.
Hazard/Hunt, 5-0

Stacey Simon: This issue came about as a result of problems at the Crowley Lake community center. A community working group, including County staff, proposed modifications to the use agreement. All the issues pertaining to this matter have been addressed in the proposed resolution. Simon highlighted the following:

- The proposed resolution addresses fees and deposits, and specifies a different fee structure for the Crowley Lake community center.
- Fees do not need to reflect the actual cost to provide a service; the fees are more like a license to use County property, so there is a justification for the different rates.
- The increase in deposits countywide was recommended by the Risk Manager in order to bring them into line with current rates for insurance.
- The amount of the deposits increased in order to address issues related to serving alcohol, and to eliminate the need for insurance when not serving alcohol.

- The proposed resolution addresses repetitive events and defines them as a single event with a limit of 12 weeks. This means the fee will only be charged once for a repetitive event.
- Fee waivers will be granted to specific organizations, entities, and events (federal agencies were inadvertently left out, so Simon will include them in the final resolution). Waivers would have to be for a public purpose.
- Insurance matters will be determined by the Risk Manager.
- The use agreement retains flexibility pending future decisions about a County events coordinator. Also included in the use agreement is a signature line for a County representative, and changes specific to the Crowley Lake community center.
- The proposed resolution repeals and replaces the 1991 resolution.

Supervisor Hazard: The proposed resolution adequately addresses concerns.

Brian Muir: Fees are deposited into the general fund, so costs for cleaning will be paid from the general fund. The proposed fees will provide enough revenue for deep cleaning projects.

Chairman Reid opened the public hearing. No one spoke. Chairman Reid closed the public hearing.

PUBLIC WORKS

11a)

Clark Tract Road and Drainage Improvements (**Garrett Higerd**) - Receive staff report regarding results from the October 2008 survey conducted to determine interest in the potential formation of an assessment district to fund road and drainage improvements and their long-term maintenance in the Clark Tract in June Lake. Provide any desired direction to staff.

Action: Provide any desired direction to staff, including whether to proceed with development of documentation necessary to conduct a Proposition 218 vote of Clark Tract property owners necessary to establish the assessment district and issue bonds to finance the capital improvements.

The Board took no action

Garrett Higerd: Provided an update about the survey that went to property owners regarding road maintenance and snow removal in the Clark Tract.

- Upon the Board's approval, a consultant was hired to gather information about the public's desire for an assessment district.
- The first survey was mailed to property owners in the Clark Tract about one year ago. Approximately 60% supported the creation of an assessment district, but an error on the assessment amount necessitated a second survey.
- The second survey with revised costs was mailed last October. Of the 182 surveys mailed, 123 were returned. Of those, 46% responded yes and 54% responded no.
- Higerd asked the Board to provide direction for proceeding. Moving forward will require public funds to hire a bond counsel and an underwriter, and to prepare a ballot.

Supervisor Bauer: Since only 46% supported the assessment district and the economy is weak, the issue should be postponed at this time. The survey process was valuable and the community understands much more than they did before. Supervisors Farnetti and Hunt agreed this was a good process; Supervisor Hazard suggested the errors were problematic to the process.

FINANCE

- 12a) Interim Report On County Space and Facilities Needs Study (**Harry Munyon, Managing Principal, TRG Consulting**) - Receive interim report by Harry Munyon of TRG Consulting regarding County Space and Facilities Needs Study. Provide any desired direction to staff.

Action: Provide any desired direction to staff.

Brian Muir: Gave a PowerPoint presentation about the interim report. He outlined the following:

- Planning goals regarding facilities
- Process of gathering information and establishing priorities
- Steering committee to facilitate the process
- Priorities will be determined by citizens through their Supervisors
- Funding availability will impact the priorities of the projects
- Demolition/replacement of buildings approaching end of useful life—identifies buildings reviewed to date needing major renovation or replacement
- Holding meetings within each community to determine community needs
- List of preliminary projects by community, countywide, and within County government
- The consultants have been meeting with department heads and Board members
- Departments have completed a survey about space needs
- Population projections by the California Department of Finance is useful information for obtaining grants
- Space standards will determine departmental needs
- The jail is part of this study, but the consultant is not doing a complete analysis; this will be a separate process.
- The Board needs to establish priorities prior to the end of the fiscal year; initial planning work can be done and the project can begin as soon as money is appropriated.

Evan Nikirk: Public Works has prepared a request for qualifications for architectural firms to assist with capital improvement projects.

David Wilbrecht: Regarding the jail needs assessment, this current study will begin the discussion but the Board will need to provide direction about next steps. The jail facility is a separate discussion.

- 12b) Mid Year Budget Review (**Brian Muir**) - Receive status reports on department budgets. Review proposed adjustments to FY 08/09 Budget. Take action as needed to change FY 08/09 Budget appropriations.

M09-33 Action: Approve appropriation of \$3,600 to support little league.
Hunt/Farnetti, 5-0

The Board agreed to reallocate an additional \$50,000 from CIP funding for a jail study.

The mid year budget review will be continued on the March 3rd agenda, at which time the Board will consider requests and proposed adjustments to the 2008-2009 budget.

Brian Muir: Provided the following introduction:

- As of the end of December, the County has received about 54% of its revenues, which is normal.

- There is \$1.5 million in contingency; about \$100,000 was appropriated for the Walker ball field. After receipt of additional \$400,000 in revenue, the Board will have about \$1.8 million in contingency.
- Policy items before the Board (held over from the budget process) total about \$275,000; there are about \$447,000 in requests for funds in the current operating budget. There are no new personnel requests aside from those held over.
- The general reserve has over \$5 million; state delay of payments for six months would total about \$2 million so would not create a cash-flow problem, although it would cost about \$20,000 in unrealized interest. If the state cuts funding in human services programs, the Board will have to decide how to resolve the problem.
- ERAF funds were allocated as anticipated, so the Town received their in-lieu money. There could be a problem in the future, however, so this issue needs to be resolved at the state level.
- The County is under the GANN limit by about \$74,000; this is not a big enough margin so the Board needs to appropriate an additional \$500,000-\$700,000 in projects. Funds need to be expended by June 30th.

Rob Clark, Town Manager: Asked the Board to consider helping the Town financially by:

1. Purchasing their option on the Church parcel. This would help the Town complete capital projects, including the Lake Mary bike path and a cover for the ice rink. The Town is considering many options for completing the projects.
2. Providing \$250,000 to support summer air service to Mammoth/Yosemite Airport. Mammoth Mountain will put up the first \$250,000 if another entity will contribute an additional \$250,000; the Town is supporting the operating costs of \$125,000. If the number of passengers remains high, the reserve money will not be used; if needed, the \$250,000 provided by the Mountain will be used first. Air service has been successful this winter with 65-70% passenger bookings. Historically, air service in summer is higher than winter, and serves many areas of the County, not just the Town.

Board Comments regarding Clark's requests:

- Supervisor Hazard: Asked for more information about actual passenger numbers for summer air service. Passenger trips were high when air service went from Mammoth to Lake Tahoe, but that service is no longer provided. Also, summer service may not produce income for the County. Hazard supported the idea of purchasing the Church parcel.
- Supervisor Bauer: If the Board agrees to purchase the Church parcel, there needs to be a guarantee that the funds will be used to complete the capital projects. Regarding air service, Bauer suggested this would serve County needs and it fits with other transportation options.
- Supervisor Reid: Supported the idea of purchasing the Church parcel; expressed concern with subsidizing air service.
- Supervisor Hunt: The County needs to consider ways to assist Mammoth while preserving County interests. Real estate provides an asset to the County. Regarding air service, it is possible the subsidy would not be spent.
- Supervisor Farnetti: Part of the County's positive financial condition is due to growth in Mammoth Lakes, so the Board should support long-term investments in the Town; the Church parcel is an investment.

The following department heads provided updates about their budgets and goals:

- Ed Zylman, Social Services
- George Booth, District Attorney
- Rick Scholl, Sheriff
- Beverlee Bryant, Probation
- Rick McManis, Building Department
- Scott Burns, Planning Department

- Evan Nikirk, Public Works, Road, Solid Waste
- Julie Tiede, Child Support
- Lynda Salcido, Health Department
- Ann Gimpel, Mental Health
- Mark Mikulicich, Paramedics
- Nancy Boardman, Animal Control
- Dan Lyster, Economic Development
- Clay Neely, Information Technology
- Jody Henning, Assessor
- Lynda Roberts, Clerk-Recorder
- George Milovich, Agricultural Commissioner
- Brian Muir, Finance Department
- Marshall Rudolph, County Counsel
- David Wilbrecht, County Administrative Officer

Board Discussion

- Supervisor Hazard: Asked the Board to consider exploring the purchase of property in Tri Valley for an EMS facility; he would like an additional \$100,000 for the purchase of property (the Board approved \$200,000 during the budget process).
- Supervisor Reid: Would like the Board to review acquisition of properties in Antelope Valley for future use.
- Supervisor Bauer: The Board should purchase necessary items, such as heavy equipment.
- Supervisor Farnetti: The Board needs to work with the Town (that includes Farnetti's constituents) and discuss their requests about air service and the Church parcel.
- Supervisor Hunt: Agreed with Supervisor Farnetti about serving the needs of their constituents in Mammoth. Hunt received a request for a \$3,600 match to help support little league; he asked the Board to support this request today.

ADJOURN: 5:14 p.m.

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